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# Transcript of 190308\_1019

**Case:** Caryn Devins Strickland -v- United States of America, et al.

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CONVERSATION

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"190308\_1019"

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IN RE: CARYN DEVINS STRICKLAND V. UNITED STATES OF

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AMERICA, ET AL.

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20 Job No.: 479402

21 Pages: 1 - 82

22 Transcribed by: Christian Naaden

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1 had another call for [inaudible] voluntary, if you  
2 wanted to do this. It would take some work for you. Not  
3 much. I -- I don't know but I got to make a  
4 presentation at Fourth Circuit EDR conference in May  
5 and my title is something like [inaudible] talking to  
6 EDR coordinators and what to avoid and [inaudible].

7 And if you wanted to give me your perspective  
8 as an employee who has been through this process, what  
9 issues you may have had with the EDR process and how it  
10 was handled. I'd be more than happy to know those and  
11 incorporate them in my presentation.

12 The [inaudible] nobody would know. I would  
13 tell -- I talk to people who have been through this and  
14 they said X. They wouldn't know it was you. Because I'm  
15 going to do that with somebody else [inaudible]. But  
16 again, that's -- if you don't want to do it, you don't  
17 have to. Don't worry.

18 MS. STRICKLAND: No. No. I'd love to.

19 JUDGE: You vented the last time and I -- I  
20 think you had things to say and there's always some  
21 things people need to hear.

22 MS. STRICKLAND: No, I mean -- I mean, I think

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1 -- could have been me. I don't know what you all talked  
2 about but to me the -- the craziest thing about this  
3 and I'm -- I very much appreciate this. I mean, I think  
4 this is probably the best part.

5 I mean to get some rational, I mean, but it's  
6 clear it doesn't really resolve anything that happened.  
7 And it doesn't make me whole. You know, and it -- it's  
8 very sadly, I feel what it show me is how much the  
9 process doesn't work.

10 I mean, and I'm not trying to be -- I don't  
11 mean that as a criticism of you or any. I -- I very  
12 much appreciate it. But it -- it's all just is very  
13 disturbing to me. This whole situation. And I think I  
14 need -- I think I need to kind of process everything  
15 that happened and just -- just the fact that, you know,  
16 in a way it feels like a very nicely package  
17 constructed discharge.

18 You know, in that I have to give up a -- a  
19 career that I wanted and over the fact that, you know,  
20 I was harassed and retaliated against and meanwhile I  
21 don't believe for a second that anything's going to  
22 happen to the people who did it. But there's going to

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1 be any accountability.

2 JUDGE: Yeah. I can't address that but from  
3 being with you, I don't even know if that was addressed  
4 with a clean house from what you wrote, it wouldn't do  
5 you any good anyway. I mean it was --

6 MS. STRICKLAND: Well and I -- I agree with  
7 you and that's why, you know, it's -- this makes the  
8 most sense for me because I just don't think there is  
9 any way that I could stay there but at the same time,  
10 you know, it's just not right.

11 It's just -- I don't know, there's just a real  
12 sense of injustice that comes. And I think it's very --  
13 it's very institutional. You know, it's not necessarily  
14 the fault of any one individual person. It's -- it's a  
15 collective fault of the institution.

16 And it's -- it's a weakness in the  
17 decentralized nature of the judiciary and the fact that  
18 you can -- you have these chambers and offices and  
19 union executives and their like little kings in their  
20 kingdoms.

21 And I think those people just wouldn't -- if  
22 their trying, if that's how a branch of government

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1 should operate. That there should be -- and especially  
2 if there was a huge difference between an article III  
3 judge and an agency like a Federal Defender's office.

4 To me, I feel like in some ways, Tony, as a  
5 [inaudible] has more rights in the process than someone  
6 like Judge Ford would have. For example, I don't think  
7 he is even subject to this qualification.

8 To me, you know, he -- he was involved in the  
9 dispute. Under the first circuit plan he should be  
10 disqualified. Yet, that's just not how the system is  
11 set up to operate. Yet, if you had an article III judge  
12 it goes into the system. they don't hear the claim when  
13 they're the person accused.

14 And to me, I just feel like how -- how is it  
15 that Federal Defender offices can just so completely  
16 [inaudible] and accountability for bad behavior. That  
17 the buck just stops at the unit infected and whatever  
18 they want.

19 That's all that there is. I just, you know,  
20 when we met in DC with the person at the IL, I mean,  
21 you know the situation about remedy. What can even  
22 legally be ordered against a Federal Defender's office.

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1           What authority does the fourth circuit even  
2     have other than -- because the CJ plan -- I don't think  
3     it gives them any statutory authority to actually order  
4     the [inaudible] be terminated or, you know, you don't.

5           JUDGE: That's why I pulled the remedies out  
6     when I first met with you. I hear you. I hear you.

7           MS. STRICKLAND: May I just say something.

8           JUDGE: The mediators hear you. We -- I deal  
9     with this. I understand exactly what you're saying. I  
10    would suggest to you -- I would hope that you would  
11    walk away from this not focused so much on what's wrong  
12    with the system but about what is right in this  
13    situation.

14           A lot of people went to work for you and found  
15    this. It's a testament to you and who you are and what  
16    you've accomplished. But it's also a testament to them  
17    too that everything you said is true. And they didn't  
18    have to do any of this. They wanted to do this.

19           And so, that's what I would offer out there to  
20    try to focus this on that. It might make you feel  
21    better. Because if you focus on the other, there's  
22    nothing you can do about it. I don't disagree with

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1 anything you say about the mediation process. I don't.

2 MS. STRICKLAND: Yeah.

3 JUDGE: I understand it's my frustration.  
4 They're looking at a new EDR plan right now at the DA.  
5 I don't think it's going to address what your all  
6 concern is. And even with me, the remedy part, which is  
7 a big problem here.

8 But I hope they will address some of the  
9 concerns about how everything works. Because I have  
10 other issues with it. I mean, you were [inaudible] like  
11 when you and I first met it was like why -- I think you  
12 came in here why am I meeting with you? You admit your  
13 counsel had tried to drop and then you're going into  
14 mediation to try to resolve this. Well, that didn't  
15 make sense to me.

16 MS. STRICKLAND: Mm-hmm. I'm curious what you  
17 mean by that.

18 JUDGE: Well, because everybody's dug in.

19 MS. STRICKLAND: Yeah.

20 JUDGE: You walk in here and you go why would  
21 he agree to anything different? He's already said no.

22 MS. STRICKLAND: Well, exactly.

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1 JUDGE: And all I have to say is Caryn trust  
2 me. I haven't been involved. Give me an opportunity.

3 MS. STRICKLAND: Right. Well, you got further  
4 than anyone else. I mean, you know.

5 JUDGE: And I think [inaudible] and mediation  
6 should be merged to let a mediator come in here  
7 earlier. He really has to dog fight and try to get  
8 people to -- but still the -- the remedy --

9 MS. STRICKLAND: It's actually a good idea.

10 JUDGE: Well, it -- I'm, you know, we'll see  
11 if anything ever happens but and there's another chief  
12 mediator in the schedule. He does a lot of these and he  
13 has the same frustrations I've always had and he's done  
14 more of these than I have.

15 And he -- he has been beating the drum for  
16 change but there's only so much change you're ever  
17 going to get. And -- and I hear you on the  
18 disqualification but I will tell you this there have  
19 been -- and not been too often -- but there have been  
20 cases where judges have been accused of sexual  
21 harassment.

22 In those cases, the mediation is held with the

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1 judge. Now, he can hear his case but if he's the only  
2 one that can settle it and say we're going to do X, Y  
3 and Z. So, it is just the same as --

4 MS. STRICKLAND: So, it is the same.

5 JUDGE: And of course, to get rid of it off  
6 the judge, you've got one route and one route only.  
7 Now, and you forget, and I don't think anything will  
8 happen here but Tony does have a boss. It's a judge. He  
9 can be removed.

10 My understanding is it is John [inaudible].  
11 It's just like mine. He works at the court chief judge  
12 or serves at the court chief judge. I'm not saying  
13 anything will happen but that is there for those really  
14 bad cases.

15 I don't know where this is going to shake out.  
16 I -- I'm just trying to get you out of the grief and  
17 move on and not care what happens. So be it. I want to  
18 get on my feet. You're right about everything you said.

19 I hope that if you're ever going to be a  
20 Federal Defender you'll think about Virginia and maybe  
21 Greenville. And then at least there's that opportunity  
22 for you to carry on and have that career. And before

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